

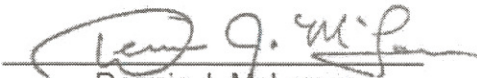
**DELEGATION OF AUTHORITY  
SAFE DRINKING WATER ACT (SDWA)**

Administrative Penalty Under Part B (Public Water Systems (PWS)):  
Penalty Assessments, Issuing Complaints, and  
Negotiating and Signing Consent Agreements

1. **AUTHORITY.** Pursuant to the SDWA: to propose the assessment of a penalty against any person in violation of any administrative order issued under Part B of the SDWA; to issue, amend, or withdraw complaints; and to negotiate and sign consent agreements between the Agency and respondents.
2. **TO WHOM DELEGATED.**
  - a. To the Director, Office of Compliance and Enforcement, or equivalent.
  - b. Each person to whom authority is delegated or redelegated retains the authority.
3. **LIMITATIONS.**
  - a. These authorities may only be exercised prior to the alleged violator's filing an answer or failure to file a timely answer to a complaint.
  - b. Delegates may exercise the above authorities only for those cases initiated by the Region.
  - c. Delegates must consult with Regional Counsel before exercising the above authorities.
4. **REDELEGATION AUTHORITY.** The authority to enter into settlements may be redelegated further.
5. **SUPERSESSION.** This delegation supersedes R10 9-33-A (10/28/2004) and any other delegation of this same authority.
6. **ADDITIONAL REFERENCES.**
  - a. Sections 1414(g)(1) and (3) and 1445 of the SDWA.
  - b. 40 C.F.R. Part 22.
  - c. Guidance on Procedures for Assessing Civil Penalties in an Administrative Order Under Section 1414(g)(3)(B) of the SDWA.

- d. Guidance on Headquarters Involvement in the Issuances by Regions of the First Proposed and Final Administrative Orders.
- e. Delegation 9-33-B, "Administrative Penalty Under Part B: Agency Representation in the Hearings, Negotiating and Signing of Consent Agreements and Appeals" for authorities once the alleged violator files or fails to file an answer to the complaint.
- f. Delegation 9-33-A (05/11/1994).

8/2/16  
Date

  
Dennis J. McLerran  
Regional Administrator